

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE:

A. CORDERO BADILLO, INC.

Debtor

CASE NO. 10-10705 (SEK)

CHAPTER 11

MOTION FOR REJECTION OF LEASE CONTRACT

TO THE HONORABLE COURT:

COMES NOW Debtor through its undersigned counsel and very respectfully states and requests:

1. On November 12, 2010, Debtor filed its voluntary petition for relief pursuant to 11 U.S.C. Chapter 11 of the Bankruptcy Code and as of that date has been managing its affairs as a debtor-in-possession pursuant to 11 U.S.C. § 1107(a).

2. On December 15, 2010, the United States Trustee appointed an official Committee of Creditors (Docket No. 52).

3. Prior to the filing by Debtor of its Chapter 11 petition, Debtor as lessee had entered into a lease contract with Compañía de Comercio y Exportación de Puerto Rico ("CCEPR") for Debtor's warehouse facilities at Centro Mercantil Internacional, Edificio Fase I, Guaynabo, Puerto Rico 00968.

4. At the time of the filing of Debtor's Chapter 11 petition, the lease contract had been terminated by the surrendering by Debtor of the premises to CCEPR on January 3, 2011.

5. Debtor is no longer operating and through the bankruptcy process intends to liquidate its remaining assets.

6. The lease contract with CCEPR is burdensome and onerous to Debtor, and has no business purpose. *In re Jackson Brewing Co.*, 567 F.2d 618 (7th Cir. 1978); *In re Italian Cook Oil Corp.*, 190 F.2d 994 (3rd Cir. 1951). As part of Debtor's bankruptcy process and in the business judgment of its management, it is necessary to reject the lease contract with CCEPR. *In re Orion Pictures Corp.*, 4 F.3d 1095 (2nd Cir. 1993); 3 Collier on Bankruptcy (15th Ed. Rev.) ¶365.03[2].

7. 11 U.S.C. §365(a), with certain exceptions, not applicable to Debtor's case and under certain conditions, provides that subject to the Court's approval, Debtor as a debtor in possession, may assume or reject its unexpired leases.

8. Consequently, in its business judgment, Debtor wishes to reject its lease contract with CCEPR.

NOTICE

Within twenty (20) days after service of this Motion and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail, any creditor or party in interest served, or any other party who objects to the Motion, shall serve and file an objection thereto with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico and on the undersigned counsel. If no objection or other response is filed within the time allowed herein, the Motion will be deemed unopposed. If you file a timely objection to the Motion, the same will be scheduled to be heard before the Honorable Sara De Jesus at the United States Bankruptcy Court, U.S. Post Office and Courthouse Building, second floor, Courtroom 1, 300 Recinto Sur Street, Old San Juan, Puerto Rico, at which time the Motion and any objection thereto will be considered.

WHEREFORE, it is respectfully requested that Debtor be granted leave to reject the lease contracts with CCEPR.

Notice of this Motion is being given to the members of the Official Creditors Committee as follows: **De La Cruz & ASC, Inc.** c/o Jorge Prats, jprats@delacruz.com; **Pepsi Cola Puerto Rico Distributing, LLC**, c/o José M. Maldonado, jmaldonado@cabcorp.com; **Mi Pan Asociados, Inc.**, c/o Alejandro Rivera, CPA, alx_rivera@hotmail.com; **V. Suárez & Co, Inc.**, c/o Edgardo Conty Pérez, edgardo.conti@vsuarez.com; **Marvel International, Inc.**, c/o José Alvarez Suárez, Esq., cpajosealvarez@yahoo.com; **Droguería Betances**, c/o Raúl Rodríguez, rff@dbetances.com; **Kraft Foods Puerto Rico/Cadbury Adams Puerto Rico**, c/o Carlos Sotero, carlos.sotero@kraftfoods.com; and to **Compañía de Comercio y Exportación de Puerto Rico**, through its counsel, *Mireya Santos Soto, Esq.*, Fiddler González & Rodríguez, PSC, PO Box 3507, San Juan, Puerto Rico 00936-3507.

CERTIFICATE OF SERVICE: I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the Assistant US Trustee, to all CM/ECF. In addition I also certify that notice was forwarded to the parties as indicated above.

San Juan, Puerto Rico, this 26th day of January, 2011.

s/CHARLES A. CUPRILL-HERNÁNDEZ
USDC-PR 114312

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